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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,787	01/17/2001	Julie A. Schwartz	0002.US00	7187
27309	7590	11/10/2003	EXAMINER	
KINTERA INC. 9605 SCRANTON ROAD, SUITE 240 SAN DIEGO, CA 92121			NGUYEN, TAN D	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/764,787

Applicant(s)

SCHWARTZ ET AL.

Examiner

Tan Dean Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-16,19-28,30-41 and 44-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-16,19-28,30-41 and 44-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed 8/13/03 has been entered. Dependent claims 2, 17-18, 29, 42-43 have been canceled since they are being added to their respective independent claims. The new added independent claims 55, 56, have been agreed by the applicants to be canceled during an interview of 8/19/03, so they are not considered or examined in this office action.

### ***Oath/Declaration***

1. The Affidavit filed on 6/23/03 under 37 CFR 1.131 has been considered but is ineffective to overcome the COSTIN IV, et al reference.

The Affidavit is ineffective for the following reasons:

1) An affidavit signed by a one inventor out of total four named inventors of record is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection or Ms. Julie A. Schwartz is the sole inventor of the claim or claims under rejection. There are 6 sets of independent claims which are rejected over COSTIN IV, et al; therefore, applicant must show which set of claim invented by Ms. Julie A. Schwartz and which set of claims are not invented by her alone.

2) The Affidavit is a statement in writing made under oath before a notary public, magistrate, or office authorized to administer oaths. See MPEP 604 through 604.06 for additional information regarding formal requirements of affidavits. 37 CFR 1.68 permits a declaration to be used instead of an affidavit. The declaration must include an

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acknowledge by the declarant that willful false statements and the like are punishable by fine or imprisonment, or both and may jeopardize the validity of the application or any patent issuing thereon.

3) The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the COSTIN IV, et al reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). Applicant needs to submit evidence of evidence such as notebooks or documents, signed and dated, to show complete invention formation from conception to completion.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3-16, 19-27, 28, 30-41, 44-50, 51, 52, 53, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over COSTIN IV, et al (US 2002/0049816) in view of MURET et al (US 2002/0042821) and SMITH et al (Article1996).

As for claims 1, 51, 53, 28, 54, 52, COSTIN, IV et al discloses a method (for claims 1, 51, 53) and a system (for claims 28, 54) and a computer program product (52) for conducting a fundraising campaign by an organization over a wide-area network comprising the steps of:

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a) hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign,

b) registering on the website,

c) contacting a 3<sup>rd</sup> party via email messages soliciting charitable donations, and

d) providing information about fundraising campaign parameters such as status, goals, start/end dates

e) providing a link to a personal donation page in the email messages, the personal donation page having the name and personal campaign goal of the solicitor, and

f) making a charitable contribution, by a donor, on the personal donation page (see Figs. 1a, 0006, 0007, 0009, 0010, 0019, 0065, 0067, 0070, 0071, 0072, 0075, 0082, 0083).

COSTIN IV, et al teaches the claimed invention except for:

g) displaying one or more web pages with virtual plaque honoring the donor, and

h) updating the virtual plaques on the web pages to recognize new donors.

Note: this is agreed upon by applicant on page 8, 3<sup>rd</sup> paragraph, of Remarks of 8/13/03 wherein Applicants mentions that COSTIN IV, et al does not teach or suggest displaying one or more virtual plaques honoring donors.

In a similar system and method for monitoring and analyzing campaign effectiveness on the Internet, MURET et al teaches the critical factor of real time

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reporting in a fast-paced economy whereby managers need to make rapid decisions and have immediate access to data as it occurs so that they can monitor activity, marketing strategies and campaign effectiveness and react to problems quicker.

MURET et al disclose one or more web pages tracking related reports or lists such as "Top-ten list Entrances", Top Visits, Depth and Length of Visits, Exits, etc., (see [0211, 0216, 0265, 0279, 0280, Figs. 30, 35]).

3) In a similar method of direct marketing appeals on charitable marketing effectiveness, SMITH et al cite several relevant charitable appeals or factors or strategies, i.e., an increase in size of donation for this year relative to last year by 1) exposure to a list of other donors increased the response rate but not the average gift, 2) size of others' donations was included in the list, the average donation increased

It would have been obvious to modify the method, apparatus and computer program product of COSTIN IV, et al by including (g) displaying one or more web pages with listing of donors, top-ten list, size of donations in the list, etc., (h) updating the list of donors, including new donors, as taught by SMITH et al to increase the response rate and average donation and effectively monitoring/tracking the campaign in a fast-paced economy such as campaign on Internet as taught by MURET et al.

As for dependent claims 3-4, 6-11, 30-31, 33-36, COSTIN, IV et al fairly teaches these additional features by disclosing general concept of contacting/involving other people/networking with other teams in the campaign such as Friend-to-Friend Fundraising, little league baseball teams, using email or other known means, to increase returns driven by network economics and gains leverage with every new

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additions [see 0010, 0019, 0023, 0065, 0066, 0067]. As for claims 5, 32, these are taught in 0082. As for claims 12-16, 37-41, COSTIN, IV et al also teaches the general concept of raising fund through well known fundraising events such as athletic events (5k race). Alternatively, the selection of other similar donation sporty, artistic, entertained/special events, or charitable donation factors or appeals, etc., would have been obvious to an artisan as mere using other similar events to achieve similar results (see 0066, Figs 8, 9-14). As for claims 19-21, 44-46, these are fairly taught in COSTIN, IV et al as shown on [0010, 0070, 0071]. As for claims 22-27, 47-50, these are well known issues with respect to charitable donations, and on Internet, and are fairly taught in [0065-0069], Fig. 1a, Fig. 2 of COSTIN IV, et al or would have been obvious.

4. Claims 3, 6-11, 30, 33-36 are also rejected under 35 U.S.C. 103(a) as being unpatentable over COSTIN IV, et al /MURET et al/SMITH et al as applied to claims above, and further in view of ARTICLE 11/1990 or ARTICLE 3/1999.

As for claims 3, 30, ARTICLE 11/1990 is cited to teach the general concept of team charity competition whereby various teams are formed to compete with each other and to win the prize while raising fund for local charities (see abstract). ARTICLE 3/1999 is also teach general concept of team charity competition whereby teams are formed as personal desired to compete with each other to win the prize while raising fund for Charity such as MacMillan Cancer Relief (see abstract). It would have been obvious to modify the method, apparatus and computer program product of COSTIN IV/MURET et al/SMITH et al by including team charity competition to take advantage of

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inherent value of motivated by the need to help but fueled by the competitive spirit and the incentive to win as taught by ARTICLE 11/1990 or ARTICLE 3/1999.

As for claims 6-7, 33, the application of forming a team on the Internet would have been obvious in view of the teaching of online charity donation shown in the primary reference, COSTIN IV, et al. As for the recruiting new members to form new teams, etc, the concept of gaining leverage with every new addition, member or team, is taught by COSTIN IV, et al on [0023] while the concept of team charity competition is taught by ARTICLE 11/1990 or ARTICLE 3/1999, therefore, it would have been obvious to recruit new members to form new teams for competition as mentioned above. Moreover, the inclusion of various team charity variables or factors would have been obvious to a skilled artisan as mere routine experimentation to increase returns.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.



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6. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 305-7687. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

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**DEAN T. NGUYEN**  
**PRIMARY EXAMINER**